

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1234

707-0022

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Union Pacific Railroad Company ("Company"), ~~Pope John Township Road District of Jackson County ("Township")~~, and the State of Illinois, Department of Transportation ("Department" or "IDOT").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through a joint Department/Commission project program that inquiry should be made into the matter of improving public safety at the Big Muddy Levee Road, Kings Ferry Road, Elliot Road, and Howardton Road highway-rail grade crossings of the Company's track near Gorham, Jackson County, designated as crossings AAR/DOT #445 805B, railroad milepost 94.20-A, AAR/DOT #445 807P, railroad milepost 92.59-A, AAR/DOT #445 808W, railroad milepost 91.63-A, and AAR/DOT #445 810X, railroad milepost 90.60-A, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersections, train movements, vehicular traffic volumes, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibits A1 through and A4, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

**DOCKETED**

- Big Muddy Levee Road –  
(AAR/DOT #445 805B)

- (a) Install automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by the Company.
- (b) Install temporary STOP signs at the crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.

- Kings Ferry Road –  
(AAR/DOT #445 807P)

- (a) Install of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by the Company.
- (b) Install temporary STOP signs at the crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (c) Reconstruct the highway approaches to meet the minimum requirements of 92 Ill. Adm. Code 1535.203, by the Township.
- (d) Install a new Advance Warning Sign on the east highway approach to the crossing, by the Township.

- Elliot Road -  
(AAR/DOT #445 808W)

- (a) Install automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by the Company.
- (b) Install temporary STOP signs at the crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (c) Reconstruct the highway approaches to meet the minimum requirements of 92 Ill. Adm. Code 1535.203, by the Township.

- Howardton Road -  
(AAR/DOT #445 810X)

- (a) Install automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by the Company.
- (b) Install temporary STOP signs at the crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (c) Reconstruct the highway approaches to meet the minimum requirements of 92 Ill. Adm. Code 1535.203, by the Township.
- (d) Install new Advance Warning Signs on the east and west highway approaches to the crossing, by the Township.

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and a preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimate are attached and incorporated herein by reference as Exhibits B1 (pages 1-5), B2 (pages 1-4), B3 (pages 1-5), and B4 (pages 1-5), respectively.

The Township has prepared preliminary cost estimates and detailed drawings to accomplish the proposed roadway improvements at the Kings Ferry Road, Elliott Road, and Howardton Road crossings, which may be required by Commission Order. The cost estimates and drawings are attached and incorporated herein by reference as C2 (pages 1-4), C3 (pages 1-4), and C4 (pages 1-4), respectively.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

**- COST DIVISION TABLE\* -**

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
<b>- Big Muddy Levee Road -</b>					
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry.	\$233,169	90% \$209,852 <sup>1</sup>	\$0	10% \$23,317 <sup>3</sup>	\$0
Install temporary STOP Signs, if ordered.	No Estimate Required	\$0	\$0	100% <sup>4</sup>	\$0
<b>- Kings Ferry Road -</b>					
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry.	\$219,032	90% \$197,130 <sup>1</sup>	\$0	10% \$21,902 <sup>3</sup>	\$0
Install temporary STOP Signs, if ordered.	No Estimate Required	\$0	\$0	100% <sup>4</sup>	\$0
Reconstruct the Highway Approaches to meet the Requirements of 92 Ill. Adm. Code 1535.	\$94,368	\$77,701 <sup>2</sup>	\$16,667 <sup>5</sup>	\$0	\$0
Install new Advance Warning Sign on the East Hwy. Approach.	No Estimate Required	\$0	100% <sup>6</sup>	\$0	\$0
<b>-Elliot Road -</b>					
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry.	\$230,880	90% \$207,792 <sup>1</sup>	\$0	10% \$23,088	\$0
Install temporary STOP Signs, if ordered.	No Estimate Required	\$0	\$0	100% <sup>4</sup>	\$0
Reconstruct the Highway Approaches to meet the Requirements of 92 Ill. Adm. Code 1535.	\$43,605	\$26,938 <sup>2</sup>	\$16,667 <sup>5</sup>	\$0	\$0
<b>- Howardton Road -</b>					
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry.	\$286,496	90% \$257,846 <sup>1</sup>	\$0	10% \$28,650	\$0
Install temporary STOP Signs, if ordered.	No Estimate Required	\$0	\$0	100% <sup>4</sup>	\$0
Reconstruct the Highway Approaches to meet the Requirements of 92 Ill. Adm. Code 1535.	\$54,855	\$38,189 <sup>2</sup>	\$16,666 <sup>5</sup>	\$0	\$0
Install new Advance Warning Signs on the East and West Hwy. Approaches.	No Estimate Required	\$0	100% <sup>6</sup>	\$0	\$0
<b>TOTALS</b>	<b>\$1,162,405</b>	<b>\$1,015,448</b>	<b>\$50,000</b>	<b>\$96,957</b>	<b>\$0</b>

\*See NOTES on top of Page 5

**NOTES:**

- <sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance for the installation of automatic flashing light signals and gates at the Big Muddy Levee Road, Kings Ferry Road, Elliot Road, and Howardton Road grade crossings not to exceed \$872,620; any installation costs above the estimated amount of \$969,577 will be divided between the GCPF and the Company, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.
- <sup>2</sup> Total Grade Crossing Protection Fund (GCPF) assistance for highway approach grade improvements at the Kings Ferry Road, Elliot Road, and Howardton Road grade crossings not to exceed \$142,828; any construction costs above the estimated amount of \$192,828 will be paid by the GCPF, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.
- <sup>3</sup> Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.
- <sup>4</sup> Company responsible for all future maintenance costs associated with the temporary STOP Signs, if ordered.
- <sup>5</sup> Township responsible for all future maintenance costs associated with the highway approaches at the Big Muddy Levee Road, Kings Ferry Road, Elliot Road, and Howardton Road crossings.
- <sup>6</sup> Township responsible for all installation costs and all future maintenance costs associated with the new Advance Warning Signs.

**Section 6** The Township is not required to pay any portion of the cost for the proposed warning device improvements.

**Section 7** Special Provisions: The Company shall contact the City at least two weeks prior to the commencement of the work required of it in order for the City to arrange for traffic control.

Since the warning device improvement(s) at the subject crossing(s) will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit C, along with this executed Agreement.

The Company and the Township shall each, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits E1 - E4 and E2A - E4A<sup>1</sup>, respectively, regarding the progress each has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager. [NOTE: The Township is not required to submit a Project Status Report for the Big Muddy Levee Road crossing.]

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the

completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from each party shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12<sup>th</sup> month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

**SECTION 8** Billing: For all work specified in Section 2 of this Agreement and authorized by an Order of the Commission, The Company shall assure that sufficient documentation for all bills is made available for review by the Department or the Department's representative. The minimum documentation that must be made available is outlined below:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

**Section 9** This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

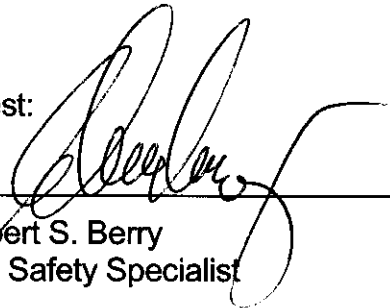
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 31<sup>st</sup> day of October 2006.



Michael E. Stead  
Rail Safety Program Administrator

Attest:

  
\_\_\_\_\_  
Robert S. Berry  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1234, executed by Commission Staff on October 25, 2006, concerning safety improvements at the Big Muddy Levee Road, Kings Ferry Road, Elliot Road, and Howardton Road highway-rail grade crossings of the Union Pacific Railroad Company's track, located near Gorham, Jackson County, Illinois, designated as crossings AAR/DOT #445 805B, railroad milepost 94.20-A; AAR/DOT #445 807P, railroad milepost 92.59-A; AAR/DOT #445 808W, railroad milepost 91.63-A; AAR/DOT #445 810X, railroad milepost 90.60-A, respectively.

Executed by Grand Tower Township Road District this 13 day of November, 2006.

GRAND TOWER TOWNSHIP ROAD DISTRICT

By:

Samuel A. Hugo

RECEIVED  
NOV 15 2006

Illinois Commerce Commission  
RAIL SAFETY SECTION

Attest:

Russell Elliott

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Executed by the Illinois Department of Transportation this 9th day of November 2006.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By:

A handwritten signature in black ink, appearing to read "Milton R. Sees", written over a horizontal line.

Milton R. Sees, Director of Highways/ Chief Engineer

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Executed by the Union Pacific Railroad Company this 6<sup>th</sup> day of March 2006.

UNION PACIFIC RAILROAD COMPANY

By: Thomas J. Ogee  
AVP ENGINEERING

Approved as to Form  
[Signature]

Attest:

C. W. Sayers

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Union Pacific Railroad Company
<b>USDOT#, MILEPOST</b>	445 805B, milepost 94.20-A
<b>STREET, CITY, COUNTY</b>	Big Muddy Levee Road, near Gorham, Jackson County
<b>JURISDICTION (RDWY)</b>	Big Muddy Township Road District
<b>LOCATION</b>	Rural/Residential
<b>STREET SURFACE</b>	Aggregate, 10', Fair

**CROSSING DATA:** See Location Sketch for roadway profile and track centers

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
Main (N/S)	Full Depth Timber	24'	Good

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	Pvt. Rd - 100'; Priv. Rd - 200'
<b>TRAFFIC CONTROL</b>	None
<b>ADT &amp; SPEED</b>	29 Vehicles Per Day @ 55 MPH (1% Trucks)
<b>TRAFFIC TYPE</b>	Passenger, School Buses, Hazardous Materials
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	No

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	50 Per day @ 70 MPH, Day & Night
<b>PASSENGER TRAFFIC</b>	None
<b>WARNING DEVICES</b>	Crossbucks & YIELD Signs

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>		<b>70 MPH</b>
<b>Roadway Speed</b>		<b>55 MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>		<b>520 FEET</b>
<b>Along Tracks</b>		<b>755 FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>		<b>1,321 FEET</b>

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
<b>NE</b>	600'	RR Curve	500'	Tree Line
<b>NW</b>	600'	RR Curve	100'	Tree Line
<b>SE</b>	600'	RR Bridge	OK	N/A
<b>SW</b>	1000'	RR Bridge	600'	Tree Line

\*Note: The installation of automatic flashing light signals and gates (AFLS&G) eliminates the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

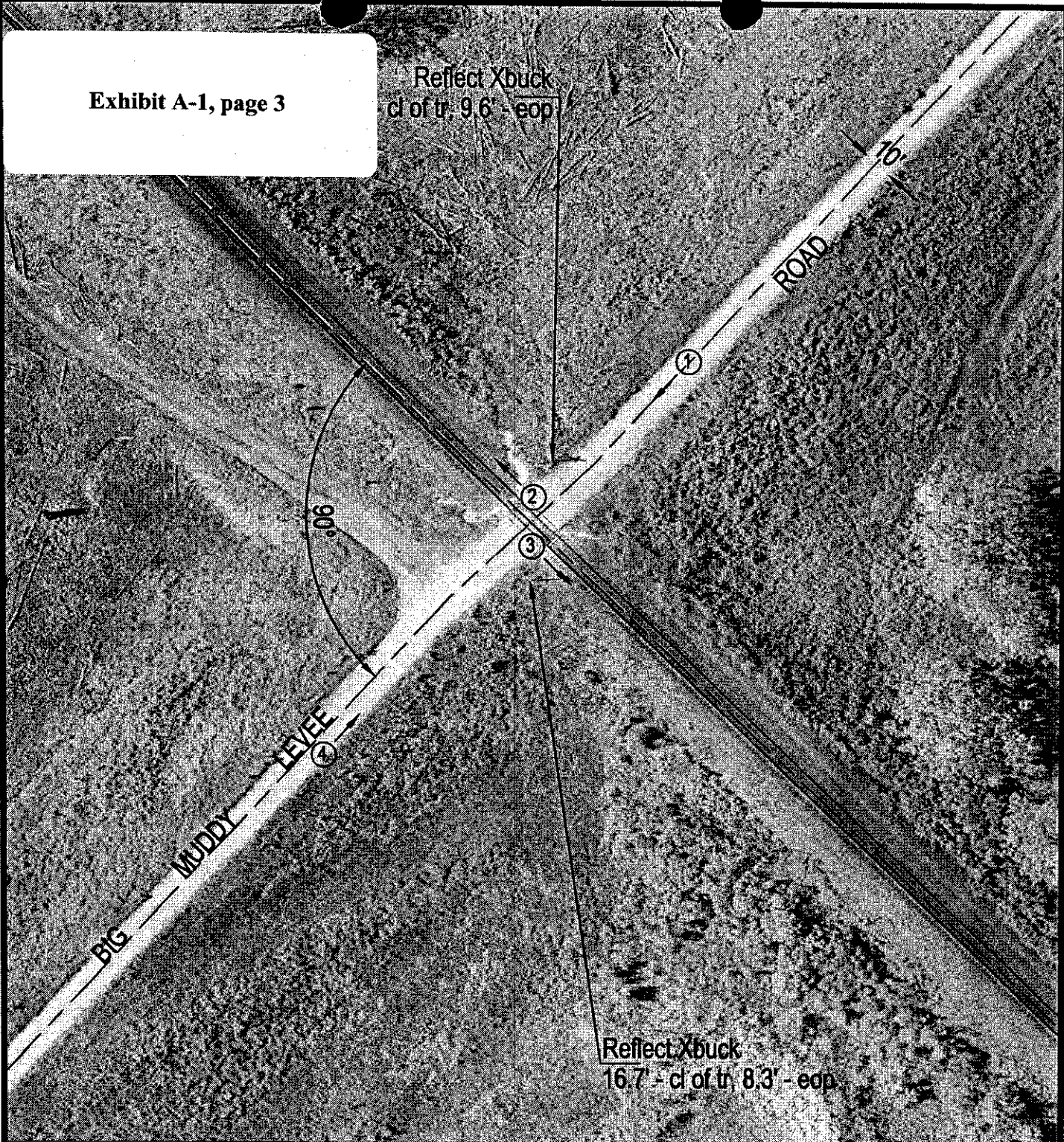
DIRECTION: WEST			DIRECTION: EAST		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
1			1		
1			1		

Distance measured from outermost rail.

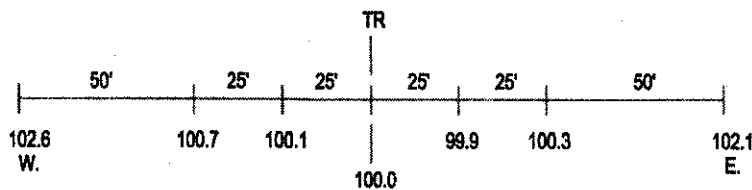
**COMMENTS:** See Page 3 for Location Sketch (Aerial View) of the Crossing.

<sup>1</sup> The existing grades of the highway approaches meet the requirements of 92 Ill. Adm. Code 1535.204.

Reflect Xbuck  
cl of tr. 9.6' - eop



Reflect Xbuck  
16.7' - cl of tr. 8.3' - eop



ROAD PROFILE

SCALE IN FEET

③ Photo Location

Crossing #: 445805B  
Location: Jackson Co., City of Wolf Lake (N)  
Lat/Long: 37°34'44" / 89°27'28"  
Railroad: UP  
Street: Big Muddy Levee Road  
Railroad Milepost: 94.51  
Crossing Protection: Signs